IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 28 of 2006 (M/B)

Abhishak Singh Chauhan,
S/o Sri Kapil Dev Singh,
R/o Shaktifarm Bazar, Ward No. 4,
Tehsil Sitarganj,
District Udham Singh Nagar. …….. Petitioner

Versus

1. District Magistrate/Collector,
   Udham Singh Nagar,
2. Tehsildhar,
   Tehsil Sitarganj,
   District Udham Singh Nagar.
3. Bank of Baroda,
   Shishauna, Sitarganj,
   District Udham Singh Nagar,
   Through its Branch Manager. ……. Respondents

Mr. S.K. Mandal, learned counsel for the petitioner.
Mr. Nand Prasad, Standing Counsel for respondents Nos. 1 to 2.
Mr. Vinay Kumar, Advocate holding brief of Mr. Jain, Advocate for respondent No. 3.

Hon'ble B.S. Verma, J.

1. The challenge in the writ petition is against Annexure 3 recovery citation dated 11.11.2004 issued against the petitioner. As per Annexure 3, an amount of Rs. 74, 098/- with other dues due to the third respondent is sought to be recovered from the petitioner.

2. Both the parties agree that the whole amount as mentioned in Annexure 3 recovery citation shall be paid by the petitioner within two years from today, meaning thereby, that the amount shall be divided in six equal instalments and every instalment shall be paid in every four months. The remaining instalments shall be paid during the first week of the month, in which they fall due. Further proceedings pursuant to Annexure 3 recovery certificate will stand stayed subject to the conditions that the petitioner fails to deposit any of the monthly instalments and if the said fact is reported by the third respondent Bank to the second respondent, the second respondent will be free to

enforce recovery of the balance amount on the basis of Annexure 3 recovery certificate.

3. Writ petition is disposed of as above.

(B. S. Verma, J.)
12.01.2006

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